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Attorneys for Defendant  
 HEWLETT-PACKARD COMPANY

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

HEWLETT PACKARD COMPANY  
  
 Plaintiff,  
  
 v.  
  
 LEXJET CORP., ET AL.  
  
 Defendant.

CASE NO. C 08-02596 JF

**REQUEST FOR FURTHER  
 CONTINUANCE OF INITIAL CASE  
 MANAGEMENT CONFERENCE,  
 STIPULATED EXTENSION OF TIME TO  
 RESPOND TO COMPLAINT AND  
 [PROPOSED] ORDER**

Initial CMC: October 24, 2008

Plaintiff Hewlett Packard Company ("HP") submits this Request for Further Continuance of the Initial Case Management Conference scheduled for October 24, 2008.

HP filed a complaint for patent infringement against Defendants Lexjet Corp. and LexJet Southern California, LLC on May 22, 2008. In its complaint, HP asserts that Defendants infringe two HP patents relating to ink-jet inks.

In order to facilitate resolution of this matter, HP did not serve this complaint on Defendants until the last day for service, September 19, 2008. During this period, the parties were in active settlement negotiation. In order to further facilitate settlement negotiations, HP has also now stipulated to a 30-day extension of time for Defendants to respond to the complaint,

such that a response would not be due until November 10, 2008.

In light of the fact that the complaint has only recently been served, that Defendants' response would not be due until November 10, and that settlement negotiations are on-going, HP requests a second continuance of the Initial Case Management Conference scheduled for October 24, 2008, until at least December 5, 2008.

An extension until December 5 would allow the parties to continue their settlement negotiations, would allow Defendants time to respond to the complaint and would allow the parties time to meet and confer pursuant to Rule 26(f).

Dated: September 26, 2008

FENWICK & WEST LLP

By: /s/ Heather N. Mewes

Attorney for Plaintiff  
HEWLETT PACKARD COMPANY

### **ORDER**

Having considered the above Second Request for Continuance of Case Management Conference and Stipulation and good cause appearing therefore:

1. Defendants' time to respond to the complaint is extended by 30-days to November 10, 2008.
2. The initial case management conference set for October 24, 2008, is vacated and re-set for 12/5/08.

IT IS SO ORDERED.

DATED: 10/2/08



The Hon. Jeremy Fogel  
United States District Judge

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